

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ERIC CERVINI, WENDY DAVIS,	§	
DAVID GINS, and TIMOTHY	§	
HOLLOWAY,	§	
Plaintiffs,		§
v.	§	A-21-CV-565-RP
§		
ELIAZAR CISNEROS, HANNAH CEH,	§	
JOEYLYNN MESAROS, ROBERT	§	
MESAROS, DOLORES PARK, and	§	
JOHN and JANE DOES,	§	
Defendants.		§

ORDER REGARDING DISCOVERY DISPUTES

The District Judge has consistently referred discovery disputes in this case to the undersigned for resolution. Consistent with that, the undersigned has consistently set the motions for hearing and ordered the parties to meet and confer in an attempt to resolve the motions without court intervention. On several occasions, the parties have been able to resolve their disputes without a hearing. On other occasions, the parties have requested the hearing be reset so that they may have more time to negotiate a compromise. While the court appreciates their attempts to compromise, setting and resetting hearings burdens the court's resources, which could otherwise be spent on substantive matters.

The court also notes that most, if not all, of these motions have involved Plaintiffs' attempts to get discovery from Defendants or nonparties. The court reminds all parties of their obligations to meaningfully meet and confer in an attempt to resolve their disputes *before* resorting to motion practice. Loc. R. CV-7(g). The court further reminds the parties that “[p]arties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case Information within this scope of discovery need not be

admissible in evidence to be discoverable.” FED. R. CIV. P. 26(b)(1). If the parties continue to need court intervention to resolve their discovery disputes, the court may begin requiring the party who loses the dispute to pay the other side’s fees and expenses. *See* FED. R. CIV. P. 37(a)(5).

Accordingly, the court **ORDERS** the parties to meaningfully meet and confer before filing any discovery motion. The court further **ORDERS** all counsel to provide this Order to their client(s) and explain to their client(s) their discovery obligations and the risks they face if they do not cooperate in discovery. To the extent any party has a dispute with a third-party concerning discovery, the court **ORDERS** that party to provide the third-party a copy of this Order as well.

SIGNED October 14, 2022.



MARK LANE
UNITED STATES MAGISTRATE JUDGE